



for the
Texas Juvenile Justice Department

Third Quarter Report FY21

March 1, 2021 to May 31, 2021

INTRODUCTION

This is the third quarterly report for Fiscal Year (FY) 2021 to be submitted by the Office of the Inspector General (OIG) for the Texas Juvenile Justice Department (TJJD). This report is prepared in accordance with the requirements of Section 242.102 (2) (b) & (c) of the Texas Human Resources Code. According to that statute, this report shall be delivered to the Board, the Executive Director, Advisory Board, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the standing committees of the Senate and House of Representatives with Primary Jurisdiction (Senate Criminal Justice, House Juvenile Justice & Family Issues), the State Auditor, and the Comptroller. Per statute, this report contains public information and shall be posted on the Texas Juvenile Justice Department's website. This report does not include all dispositions of criminal and administrative investigations, but rather only those resolved in this quarter.

STRATEGIC INTENT

The Office of the Inspector General (OIG) was established by the Texas Legislature for the purposes of investigating criminal and delinquent conduct in state operated facilities and programs. This includes contract care facilities that provide residential and therapeutic care for the juvenile offenders under court ordered supervision of the TJJD. This also includes parole services once the juvenile offenders are discharged from secure custody. The OIG also operates a 24-hour hotline, known as the Incident Reporting Center (IRC) for calls, complaints, and inquires for the TJJD. The mission and scope of the OIG has grown over the years to include fugitive apprehension, canine narcotics detection teams, and a gang & security intelligence group. In April 2018, the OIG began to operationalize a request of the TJJD Executive Director and other state leadership, by creating a uniformed team of security professionals dedicated to conducting entry searches and exterior perimeter patrols at the five state operated secure facilities. Then in May of 2018, the Executive Director of TJJD also returned the administrative investigations team to the OIG. That team, which is responsible for investigating abuse, neglect, and exploitation at juvenile facilities and programs in Texas, was moved from under the direction of the Office of General Counsel. In order to achieve these missions, the OIG has commissioned peace officers, investigators, and other staff geographically dispersed throughout the state.

EXECUTIVE SUMMARY

During this reporting period, a catastrophic failure to the server hosting the software and data regarding calls to the Incident Reporting Center (IRC) was lost. We are unable to accurately document the number of inbound calls received by the Incident Reporting Center. However, the Office of the Inspector General opened a total of 389 criminal investigations and closed 444 cases. The number of investigations opened increased by approximately 7% from a Q3 FY20 total of 363 cases. Finally, it can be observed that 168 fewer investigations were closed in the Q3 FY21 reporting period, which represents a 27% decrease.

During the third quarter reporting period, there have been some changes in the prosecution data involving OIG investigations. In Q3 FY21, OIG submitted a total of 69 cases for review compared to 100 in Q3 FY20; a 31% decrease. All of the 69 cases were submitted to the Special Prosecutions Unit for consideration of criminal charges. Some other significant differences between the two fiscal years are increases in the number of indictments and convictions. In Q3 FY21, OIG learned of 35 indictments compared to 24 in Q3 FY20. OIG also received notice of 36 convictions in Q3 FY21 versus 24 in Q3 FY20. As it relates to dismissals, the number increased from zero in Q3 FY20 to 7 in Q3 FY21. Finally, the number of case declinations decreased; 65 in Q3 FY20 and 21 Q3 FY21.

There have also been some significant differences in arrest information as well as the directives to apprehend issued by the TJJD, and the number of juvenile offenders apprehended. In this reporting period, the OIG made 50 criminal charge arrests against 37 persons as compared to 60 criminal charge arrests against 60 persons in Q3 FY20. OIG assisted in the apprehension of two juvenile offenders on TJJD issued directives in Q3 FY21 compared to one in Q3 FY20. The number apprehended by other law enforcement agencies decreased from 67 in Q3 FY20 to 63 in this reporting period.

During the reporting period, the county investigative team opened 71 abuse, neglect, and exploitation investigations. These include 29 restraint related abuse investigations, 10 non-restraint related investigations, three Serious Physical Abuse investigations, 19 Sexual Contact & Non-contact Abuse investigations, one Emotional Abuse investigation, three Exploitation investigations, one Medical Neglect investigation, and five Supervisory Neglect investigations. The team completed 96 investigations within the third quarter. The average number of days from opening to disposition was 46. During that same time period, they also received a total of 542 grievances regarding local and contract care juvenile facilities or programs. The team also received 145 Serious Incident reports including four Escapes, six Attempted Escapes, one Escape from Furlough, 52 Attempted Suicides, 26 Reportable Injuries, 48 incidents of Youth-on-Youth Sexual Conduct and eight reported incidents of Youth-on-Youth Physical Assaults at county or county – contracted facilities.

OPERATIONAL ACTIVITIES

In the area of criminal and county investigations, the OIG's investigative resources are focused on a small number of key areas. Some of the main case types include sexual abuse, narcotics & contraband, abuse of office (excessive use of force), felonious assaults, gang intelligence, and administrative abuse, neglect, or exploitation. In the area of sexual abuse investigations involving staff members, historic OIG case data supports that most of the allegations made by juvenile offenders are false. Despite this fact, a recent trend shows a number of OIG investigations have resulted in affirmative findings of more staff involved in inappropriate relationships with juveniles in TJJD custody or under supervision, resulting in criminal and administrative consequences. Juvenile offenders certainly do routinely fabricate allegations of sexual abuse perpetrated by staff; however, the recent frequency of OIG arrests and/or adverse employment actions stemming from OIG investigations cannot be understated. Body worn cameras have greatly assisted investigators in reviewing these cases and finding evidence to either substantiate the allegations or exonerate the wrongfully accused.

Sexual Abuse Investigations Q3 FY20						Sexual Abuse Investigations Q3 FY21					
County	Evins	Gaines.	Giddings	Mart	Ron Jackson	County	Evins	Gaines.	Giddings	Mart	Ron Jackson
12	5	5	8	7	9	19	8	0	9	3	16

County numbers include pre-and post-adjudication facilities as well as the following reporting categories: Sexual Abuse – Contact and Sexual Abuse – Non-contact

State numbers include staff and juvenile offender sexual misconduct including contact and non-contact.

Q3FY21 Disposition by Case Type; Sexual Abuse (PREA)				
STATE				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
7	0	1	22	30
COUNTY				
Sexual Abuse - Contact				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
0	0	1	3	4
Sexual Abuse - Non-Contact				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
1	0	3	12	16

In the area of abuse of office and excessive use of force investigations, OIG continues to see a reduction in the number of complaints throughout juvenile facilities in Texas.

Abuse of Office Investigations Q3 FY20						Abuse of Office Investigations Q3 FY21					
County	Evins	Gaines.	Giddings	Mart	Ron Jackson	County	Evins	Gaines.	Giddings	Mart	Ron Jackson
54	5	2	3	3	1	42	3	1	3	0	0

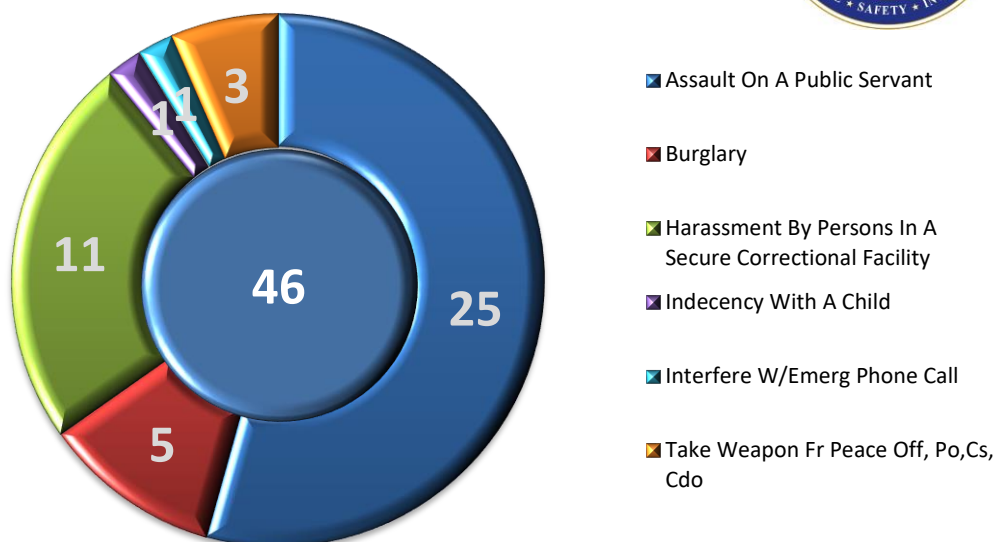
County numbers include pre- and post-adjudication facilities as well as the following reporting categories of information: Physical Abuse – Mechanical Restraint, Physical Abuse – Non-restraint, Physical Abuse – Physical Restraint, and Serious Physical Abuse.

Q3FY21 Disposition by Case Type; Abuse of Office (UoF)				
STATE				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
7	0	0	44	51
COUNTY				
Serious Physical Abuse				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
3	1	0	1	5
Physical Abuse - Non-Restraint				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
0	0	1	6	7
Physical Abuse - Mechanical-Restraint				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
0	0	0	0	0
Physical Abuse - Physical-Restraint				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
6	0	0	23	29

The majority of investigations of alleged abuse, neglect, and exploitation (ANE) in county operated departments, programs and facilities are conducted by investigators operating out of the Austin area; therefore, they must travel to the various locations across the state to conduct in-person interviews. There were four on-site investigations conducted in Q3 FY21, which is a significant decrease from the 18 conducted in Q3 FY20.

In the area of arrests and charges filed by OIG investigators on juvenile offenders at the state facilities during the reporting period, the majority of the charges filed were for felonious Assault on a Public Servant. That offense category accounted for about 54% (25 of 46) of the arrests made, or charges filed. The next most frequent offense charge was for Harassment by Persons in a Secure Correctional Facility, with 11 of the 46 arrests being for that offense.

Total Number of Arrests of Juvenile Offenders
Made by OIG-CID by Offense Type
Q3 FY 21 (3/1/2021 - 5/31/2021): 46



OFFICER DISCIPLINE

The OIG conducts abuse, neglect, and exploitation investigations on behalf of the TJJD as required in Texas statutes. The majority of these investigations involve alleged perpetrators employed, licensed, contracted with, or volunteering with local juvenile justice departments or alternative education programs in Texas. As of the publishing of this report, there are 6,122 officer certifications on file with the TJJD, which includes 2,420 Juvenile Probation Officers; 3,584 Juvenile Supervision Officers and 118 Community Activities Officers.

During this reporting period, the Office of General Counsel (OGC) did not take any action related to referrals for possible disciplinary action and did not refer any cases to the TJJD Board for consideration.

Regarding state regulated secure facilities, 25 investigations were completed by OIG and referred to the Human Resources Department within TJJD. Of those dispositions, three involved Abuse, seven Neglect, one Exploitation, four Policy Violation, and ten HR Title VII investigations. Disciplinary action was taken in 22 of the 25 investigations. Fourteen resulted in terminations; two demotions; four re-trainings; and two received 12-month probation terms.

FRAUD, WASTE, and ABUSE

During this reporting period, OIG opened two fraud, waste, and abuse program (FWAP) investigations arising from alleged misconduct. Pursuant to the requirements of the Texas Government Code, OIG forwarded the allegation to the State Auditor's Office (SAO) and the Office of the Internal Auditor for the TJJD for their review. One investigation involved an allegation of tampering with a government record. This investigation has been closed as not sustained. The other investigation involved an allegation of attempt to defraud the state. This allegation is currently under investigation.

TRENDS

The number of sexual abuse investigations opened in the third quarter of this fiscal year has remained relatively consistent with last year. OIG opened 33 this quarter as compared to 39 for the same period last year. However, proportionally OIG is seeing more staff suspects in those investigations as compared to other juveniles. In this quarter, roughly half of the suspects identified were staff members, while last fiscal year, juveniles represented $\frac{3}{4}$ of the suspects identified in those investigations. Over the past eight months, OIG has initiated major criminal and administrative investigations involving multiple staff members at four of the five secure facilities regarding allegations of inappropriate relationships with TJJD juveniles. In some of those investigations OIG has developed evidence of TJJD staff directly communicating with juvenile offenders outside of work through the phone system, mail, and even iPads provided for virtual visitation. OIG arrested two of those former staff members for Hindering Apprehension or Prosecution surrounding the juveniles' escape, or absconding from TJJD custody and supervision.

SIGNIFICANT INVESTIGATIONS

On April 12, 2021, three TJJD juvenile offenders absconded from the Willoughby Halfway House in Fort Worth. Through an investigation, OIG learned a former TJJD employee from Mart, Deena Riley, picked up the three offenders shortly after they absconded and took them to her residence in Ennis, Texas. The investigation also revealed Riley and one of the offenders coordinated and planned their departure from Willoughby House. Through extensive investigative efforts and OIG coordination with other law enforcement agencies, all three offenders were eventually taken into custody in Bell County. On April 28, 2021, Deena Riley, 44 YOA, was arrested for Hindering Apprehension or Prosecution, Third Degree Felony, Texas Penal Code 38.05. Investigation of other possible offenses committed by Riley continues. At

the time of her arrest, Riley had left TJJD employment and was in training to become a certified Juvenile Supervision Officer at the Dallas County Letot post-adjudication facility.

On January 1, 2021, a TJJD juvenile offender absconded from the Willoughby Halfway House in Fort Worth, Texas. On February 11, 2021, the TJJD escapee was eventually apprehended by Corpus Christi Police Department. Based on a tip from TJJD staff, OIG opened an investigation into the escape and learned a former TJJD employee from Giddings, Monica Quintana, actually picked up the TJJD juvenile offender after he absconded from Willoughby House. On May 6, 2021, Monica Quintana, 26 YOA, and Erica Morgan, 39 YOA, were both arrested by the OIG with the assistance of the Corpus Christi Police Department for Hindering Apprehension or Prosecution, Third Degree Felony, Texas Penal Code 38.05 surrounding the escape and concealment of the TJJD escapee.